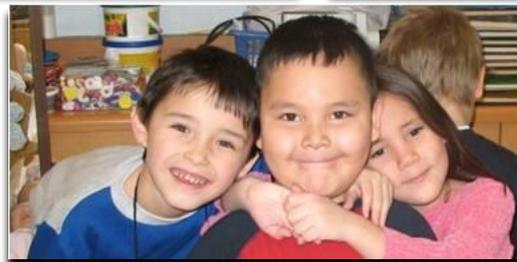


# Meeting Special Education Requirements: A Toolkit to Better Assist our Children

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Updated January 2022  
Ontario First Nation Special Education Working Group

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## **ACKNOWLEDGMENTS**

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This project was mandated through Chiefs-in-Assembly Resolution 13/11 (June 2013) and furthered by Resolution 12/15 (2015 All Ontario Chiefs Conference). Specifically, the mandate calls for the Ontario First Nations Special Education Working Group (OFNSEWG) to develop and conduct “community capacity training to address challenges in understanding what types of services the High Cost Special Education Program (HCSEP) is designed to cover and ensure accurate coding.”. This mandate was expanded to specifically address challenges in the scope of the High Cost Special Education Program (HCSEP) and develop recommendations to transform HCSEP. The OFNSEWG is a joint working group of the Chiefs of Ontario and Indigenous Services Canada (ISC) established in 2005. OFNSEWG membership includes representation from:

- Association of Iroquois and Allied Indians (AIAI)
- Grand Council Treaty #3 (GCT3)
- Independent First Nations (IFN)
- Nishnawbe Aski Nation (NAN)
- Anishinabek Nation (AN)
- Indigenous Services Canada (ISC) Ontario Region

## **LIST OF ACRONYMS**

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<b>COO</b>	Chiefs of Ontario
<b>DCI</b>	Data Collection Instrument
<b>EDU</b>	Ministry of Education (Ontario)
<b>FNECU</b>	First Nation Education Coordination Unit
<b>GSN</b>	Grants for Student Needs
<b>HCSEP</b>	High Cost Special Education Program
<b>IEP</b>	Individual Education Plan
<b>IFA</b>	Interim Funding Approach
<b>IFF</b>	Interim Funding Formula
<b>IPRC</b>	Identification, Placement, and Review Committee
<b>ISC</b>	Indigenous Services Canada
<b>OFNSEWG</b>	Ontario First Nations Special Education Working Group
<b>SEA</b>	Special Equipment Amount
<b>SEST</b>	Special Education Support Technicians
<b>SIP</b>	Special Incidence Proportion

## DEFINITIONS

Topic	Definition
<b>Council Operated Schools</b>	First Nation schools who are provided funding through the Interim Funding Formula to offer education services to students on the nominal roll. Also known as community schools and band operated schools.
<b>Education Services Agreement (Tuition Agreement)</b>	Education Services Agreement (or Tuition Agreement) is a formal agreement and/or negotiated between two parties when First Nation students, who reside in a First Nation community, attend publicly funded schools. This Agreement is a legal and binding agreement that addresses the common services that are provided to all students and additional programs and services or equipment to be provided by the board to meet the needs of First Nation students.
<b>Federal Schools</b>	There are seven federal schools in Canada. Of these, five (JC Hill Senior Elementary School, Emily C. General School, Oliver Smith-Kawenni lo Elementary School, IL Thomas Odadrihonyani'ta' School, and Jamieson Elementary School) serve the Six Nations of the Grand River in Ontario, one (Quinte Mohawk School) serves the Tyendinaga Mohawk in Ontario and one (Legoff School) serves the Cold Lake First Nations in Alberta. Federal schools are located on reserve but are administered by the ISC regional offices in Ontario and Alberta, at the request of the First Nations.
<b>Grants for Student Needs (GSN)</b>	Each year the ministry provides funds to provincial school boards through a series of grants using a formula that's based on student enrolment and the unique needs of the students in each board. The number of schools, their distribution and their physical condition are also factors.

Topic	Definition
<b>HCSEP Work Plan Process</b>	The work plan process is a voluntary process developed by the OFNSEWG to better support Ontario First Nations. Its purpose is to leverage the HCSEP program by identifying surplus budget balances for redistribution in the region, and more generally to improve understanding of high cost special education needs for First Nations students on reserve. The work plan is a program planning tool to support participating communities in coding and planning program expenditures according to the allowable expenses under the program.
<b>High Cost Special Education Needs</b>	These needs range from moderate to profound, <b>but do not include costs for students who are gifted</b> . Special needs characteristics associated with high cost special education can include, but are not limited to: physical dependence, hearing impairment, deaf and/or blind, moderate to severe behavioural disorders, autistic, communication disorders, and severe learning disabilities.
<b>Identification, Placement, and Review Committee (IPRC)</b>	Exceptional pupils are identified as such by an Identification, Placement, and Review Committee (IPRC, Regulation 181/98). Upon receiving a written request from a student's parent(s)/guardian(s), the principal of the school must refer the student to an IPRC. The IPRC will decide whether the student is an exceptional pupil and, if so, what type of educational placement is appropriate
<b>Interim Funding Approach (IFA)</b>	The IFA includes the Interim Funding Formula (IFF), which uses the provincial education funding model (GSN) as a base. The IFA also includes: <ul style="list-style-type: none"> <li>▪ Targeted investments for language and culture programming and full-time kindergarten programming</li> <li>▪ Targeted multi-year funding for First Nations and First Nations education organizations that support First Nation students, schools and communities</li> </ul>
<b>Interim Funding Formula (IFF)</b>	The Interim Funding Formula is based on a Provincial Comparability Model and the GSN. The IFF aims to include adaptations, additions, proxies that reflects the specific needs of First Nation students, schools and communities.

Topic	Definition
<b>Individual Education Plan (IEP)</b>	A working document that includes a plan to deliver the special education program and/or services required by a particular student, based on a thorough assessment of the student's strengths and needs that affect the student's ability to learn and to demonstrate learning.
<b>Nominal Roll</b>	The Nominal Roll is the ISC registry of all eligible elementary and secondary students funded by ISC to attend a band-operated, federal, provincial, or private school. In order to be entered on the Nominal Roll, a student must be eligible (section 6.1 of ISC Elementary/Secondary Education National Program Guidelines 2013-2014), registered and in an established pattern of attendance and attending on the last instructional day of September in a school year (the census date).
<b>Ordinarily Resident on Reserve</b>	<p>Ordinarily resident on reserve means that the student usually lives at a civic address on reserve, is a child in joint custody who lives on reserve most of the time, or is staying on reserve and has no usual home elsewhere. Students continue to be considered ordinarily resident on reserve if they return to live on reserve with their parents, guardians or maintainers during the year, even if the students live elsewhere while attending school or working at a summer job. (In this context, reserves are deemed to include all land set aside by the federal government for the use and occupancy of an Indian band, along with all other Crown lands which are recognized by DIAND as settlement lands of the Indian band of which the student is a resident.)</p> <p>Note: In the case of a child in the care of a Child and Family Services Agency, or in the care of the province, the residency of the child is determined by the residency of the guardian with whom the child is placed. A guardian is a person who assumes authority for the child through a legal guardianship agreement.</p>
<b>Private Schools</b>	<p>In Ontario, private schools operate as businesses or non-profit organizations.</p> <ul style="list-style-type: none"> <li>• They do so independently of the Ministry of Education, though they are required to follow the legal requirements established by the <i>Education Act</i>.</li> <li>• They do not receive any funding or other financial support from the government.</li> <li>• While <i>all</i> private schools in Ontario must meet the</li> </ul>

Topic	Definition
	<p>same general requirements, additional requirements are imposed on private schools seeking the authority to grant credits toward the Ontario Secondary School Diploma (OSSD).</p> <ul style="list-style-type: none"> <li>• First Nations Secondary Schools must register as Private Schools to grant OSSD</li> </ul>
<b>Provincial and Demonstration Schools</b>	<p>The Ontario Ministry of Education is responsible for the administration of four provincial and three demonstration schools for Anglophone Deaf, blind, deaf blind, and/or severely learning disabled students. It also operates Centre Jules-Léger, which offers educational programs for Francophone students who are Deaf, deaf blind and/or have severe learning disabilities. On-campus boarding is offered for students who live too far from school to travel daily. <u>For more information go to: <a href="https://pdsbnet.ca/en/">https://pdsbnet.ca/en/</a></u></p>
<b>Publicly Funded Schools</b>	<p>Schools in Ontario are funded through the Grants for Student Needs (GSN) distributed to school boards by the Ministry of Education.</p>
<b>Reciprocal Education Approach (REA)</b>	<p>The Reciprocal Education Approach supports access to education for eligible students residing on-reserve who wish to attend a school of a school board and eligible students residing off-reserve who wish to attend a First Nation-operated or federally-operated school (First Nation school). Under REA, the base fee that a school board is required to pay a First Nation that operates a First Nation school is the same base fee, set out in regulation that a board can charge a First Nation if a First Nation student attends a school of a school board.</p>
<b>Resident Pupil of the Board</b>	<p>A school-aged student who resides within the district of the board.</p>
<b>Reverse Tuition Agreement</b>	<p>A reverse tuition agreement is a formal agreement and/or negotiated between two parties when a First Nation provides education for pupils that are otherwise qualified to be pupils of the provincial board (i.e. reside off-reserve in a board's district). This is in exchange for the First Nation receiving payment from the school board.</p>

Topic	Definition
<b>Special Equipment Amount Claims-based (SEA)</b>	A special education cost not covered by the GSN for provincial schools for non-computer-based equipment for students with special education needs. This includes sensory support, hearing support, vision support, personal care support, and physical assists equipment. SEA Claims-Based Funding will cover the cost of an individual student's equipment needs in excess of \$800 in the year of purchase. Boards are responsible for the first \$800 in cost for any student per year.
<b>Special Incidence Proportion (SIP)</b>	A Ministry of Education program for provincial school boards to access funding for staff support to ensure the health and safety both of students who have extraordinarily high needs related to their disabilities and/or exceptionalities and of others at school. The minimum criteria is that the student requires two or more staff for intense support. Where approved, the Ministry will grant up to a maximum of \$28,518(2021-22 amount) per full time (1.0 ADE) student per year. This program is for students of the board, NOT students covered by a Tuition Agreement, however, the criteria is important for First Nations when considering what additional costs for HCSE that should be paid to the board.

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## INTRODUCTION

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In March 2010, the Ontario First Nations Special Education Working Group (OFNSEWG) hosted a focus group to identify challenges associated with Indigenous Service Canada (ISC) High-Cost Special Education Program. The Focus Group included SEP front line service providers, senior First Nation Administrators, Provincial-Territorial Organizations personnel, and ISC representatives. Notable challenges included: tuition agreements; limited resources; communication at all levels; coding of revenue and expenditures; and surplus and deficit situations. Through these discussions, the Ontario First Nation Special Education Working Group identified the need to develop and share a culturally relevant toolkit.

The toolkit is intended to address some of the above noted information gaps relating to the High Cost Special Education Program (HCSEP) by clearly documenting key aspects of the program including, but not limited to, program structure (guidelines, definitions and services) and documentation of allowable activities/expenses, direct and indirect services and relevant codification of these expenses. The toolkit also provides information on provincial systems for delivering special education programs.

In addition, Resolution 12/15 (2015 AOCC) extended the mandate of the OFNSEWG to develop a policy document for the transformation of the HCSEP for the 2017 AOCC. The 2017 HCSEP Analysis and Position Paper provide a summary of the review undertaken through the Human Rights complaint of the Mississauga's of the Credit on special education and the results of a recent evaluation survey conducted by the COO Special Education Support Technicians.

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## **Why use this Toolkit?**

This HCSEP toolkit is meant to act as:

- **A reference guide**
  - To provide information about the HCSEP and special education.
- **An up-to-date documentation of:**
  - Federal requirements for reporting, and
  - Ontario Ministry funding.

## **Who is this Toolkit intended for?**

This toolkit is intended for:

- First Nations Education Directors
- First Nations Financial Departments
- Federally-funded and provincially –funded schools
  - Principals
  - Special Education Teachers
  - Special Education Support Staff
- Band Councils
- Tribal Councils
- First Nation Education Organizations

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# **MODULE 1: BACKGROUND INFORMATION: HOW DID THE HCSEP GET STARTED?**

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The HCSEP was precipitated by the following events:

- The 2001 Speech from the Throne in which the federal government committed to working with First Nations to reduce the incidence of fetal alcohol spectrum disorder, and to helping Aboriginal children with special needs.
- The 2001 budget included a strategic investment in Aboriginal children to reduce the incidence of “fetal alcohol syndrome” on-reserve and a 60 million dollar allocation over 2 years to support children with special needs living on-reserve.
- In January 2003 the Treasury Board of Canada approved the HCSEP to cover to address high cost special education needs.

The Special Education Program (HCSEP for high cost special education) was introduced in 2002/03 and extended in 2005. The HCSEP was developed to improve the educational achievement levels of First Nations students residing in First Nation communities by providing access to high cost special education programs and services that are culturally sensitive, and that meet the provincial standards in the locality of the First Nation.

Expected outcomes for the program include:

- High-cost special needs students are provided with support services as identified through their Individual Education Plans.
- An increased number of high cost special education students acquiring a high school diploma or a certificate of completion.

## **Key developments in the HCSEP in Ontario**

There are several aspects that make the HCSEP unique in Ontario.

- “Intervention-based” - The intervention-based approach was first used in Ontario Region as a formula-based method that does not require formal assessments before intervention strategies are introduced.
- This funding must be spent exclusively on special needs supports, and any unspent funding may be used in the future only for special education. There is some flexibility on how the funds can be spent, and funding can be rolled over to the following fiscal year as long as it is special education related.

- 
- In 2005, the Ontario First Nations Special Education Working group (OFNSEWG) was formed as a subcommittee to the First Nations Education Coordination Unit (FNECU). It is a joint technical and advisory body mandated by the FNECU to provide recommendations on issues and specific strategies for political review and/or approval for action. Increasing demand for services, particularly from the provincial school system, increased the need to more effectively manage the regional allocation and the desire to ensure First Nation involvement in the process resulted in the ongoing work of an Ontario Special Education Working Group. The OFNSEWG is made up of representatives from ISC and FNECU.
  - Federal Budget 2016 announced a significant increase in funding to support the HCSEP, which almost doubled the HCSEP funding flowing to First Nations in Ontario.
  - Annually: changes to the GSN are done on an annual basis, including special education funding. Technical papers for funding can be found here: <http://www.edu.gov.on.ca/eng/policyfunding/funding.html>
  - 2018 The new Interim Funding Approach was established in Ontario starting 2018. The Interim Funding Formula portion of the IFA automatically generates funding for special education at a provincially comparable level for band-operated school students plus an enhanced amount for students attending provincial schools. Special education funding is being protected for three years (2018-2021) at 2017-2018 levels wherever the formula happens to generate less than in 2017-2018. The difference between the 2021-22 interim formula amount and the 2017-18 Regional Formula Amount for HCSEP has been protected to ensure First Nations have the same formula amount for Special Education. Under the IFA most of the HCSEP funding is located in core funding which gives recipients great flexibility as to how they use the funding.
  - There is also a limited amount of funding available annually on a needs-based approach should the individual High Cost Special Education allocation not meet the high cost needs of students. The Ontario Special Education Working Group is continuing to explore options and approaches to Special Education funding to ensure it meets the needs of First Nations students.

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## **Ontario High Cost Special Education Funding Reviews**

In 2010 the OFNSEWG underwent a review of the financial spending within the HCSEP. The “**Ontario High Cost Special Education Funding Review For Chiefs of Ontario**” by **Kabuty Consulting** provided the Special Education Working Group with:

- A complete financial analysis of the High Cost Special Education program in Ontario;
- A comparative analysis of what is happening in other provinces (Alberta, Quebec, B.C.);
- Recommendations and options on the future funding formula of the HCSEP;

The report demonstrated the need for revisions to the nominal roll funding formula that was introduced in 2006. After a presentation to the Chiefs in Assembly, it was decided by resolution that the current formula with a slight modification of 15% incident rate to 20% incident rate would continue to be used. This report also provided a basis for this Toolkit, as it also called for increased supports to First Nations in their understanding of the HCSEP and its application.

In 2017, the Chiefs of Ontario developed a **Special Education Position Paper** based on an evaluation of the federal High Cost Special Education Program (HCSEP). This Position Paper was developed under the guidance of the First Nations Education Coordination Unit (FNECU) and the Chiefs Committee on Lifelong Learning (CCOLL).

**Ontario First Nations Special Education Review Report** was developed in 2017 the Mississaugas of the Credit First Nation (MCFN). The report came from a complaint related to two young boys who are members of the MCFN. The Mississaugas of the Credit launched a human rights complaint against the federal government after it refused to pay for the special education services they needed. The report is the result of that human rights complaint and the efforts of MCFN to help bring about improvements to the special education program for the benefit of those two boys and all First Nations children with special needs across the province.

These reports can be found at <http://education.chiefs-of-ontario.org/>

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## MODULE 2: EXPLANATION OF LOW COST FUNDING AND HIGH COST FUNDING

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### What is the difference between low-cost and high-cost funding?

#### Low-Cost Special Education Needs

Low-cost special education services are **not** covered through HCSEP. In Ontario, low-cost funding is provided through the Interim Funding Formula (IFF) to all Council-operated schools. Low-cost funding is used where the level of need is considered to be mild or moderate for example, students with mild or moderate modifications to their classroom program. Mild to moderate modifications are actions the teacher can undertake on their own in the classroom environment, such as use of computers, visual aids, or assistive technologies (for example large print books or using a watch which is set to alarm every ten minutes to assist the student with concentration).

These costs associated with low-cost special needs are expected to be covered by the funding envelope for Special Education provided through ISC Elementary and Secondary Education Program.

#### High Cost Special Education Needs

The HCSEP program covers high-cost special education needs only. That is services for students whose needs cannot be met through regular elementary and secondary program funding. These needs range from moderate to profound, **but do not include costs for students who are gifted**. Special needs characteristics associated with high-cost special education may include students who:

- Are physically dependent
- Have a hearing impairment
- Are deaf and/or blind
- Have moderate to severe behavioral disorders
- Are autistic
- Have communication disorders
- Have severe learning disabilities

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## Who is eligible for funding under the program?

1. Students who are deemed to have high-cost special education needs (see above)
2. Students who are registered or eligible to be registered on the nominal roll (enrolled in and attending either a band-operated, federal, provincial, or a private/independent school that is recognized by the province as an elementary or secondary institution) between the ages of 4 and 21<sup>1</sup>
3. Students for whom an Individual Education Plan (IEP) is in place or in the process of being completed
4. Students who are ordinarily resident on reserve<sup>2</sup>
5. Students between the ages of 4 and 21 on December 31 of the school year in which funding is required.

For further details on eligibility, please see <https://www.sac-isc.gc.ca/eng/1608235984808/1608236018219>

**Note: In the case of a child in the care** of a *Child and Family Services Agency*, or in the care of the province, the residency of the child is determined by the residency of the family with whom the child is placed. A guardian is a person who assumes authority for the child through a legal guardianship agreement.

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<sup>1</sup> This does not include adult education.

<sup>2</sup> Ordinarily resident on reserve means that the student usually lives at a civic address on reserve, is a child in joint custody who lives on reserve most of the time, or is staying on reserve and has no usual home elsewhere. Students continue to be considered ordinarily resident on reserve if they return to live on reserve with their parents, guardians or maintainers during the year, even if the students live elsewhere while attending school or working at a summer job.

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## MODULE 3: ELIGIBLE AND INELIGIBLE EXPENSES

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### Eligible Expenses

The HCSEP program divides allowable expenses into 2 categories:

- Direct
- Indirect

#### Direct Services:

Direct service expenditures must always represent a minimum of 75% of the annual HCSEP resources provided to a recipient in order to ensure that activities and services target costs directly associated with student needs in an educational setting, including culturally sensitive components. The following is a list of eligible expenditures for direct services:

- 1) Salaries/benefits for:
  - a. special education teacher
  - b. individual teacher aide/paraprofessional workers
- 2) Costs associated with:
  - a. the acquisition of professional assessments
  - b. completion of student assessments
  - c. educational psychological services
  - d. counselling/social work services
  - e. Elder/mentoring/cultural services
  - f. speech/language services
  - g. occupational therapy services
  - h. physical therapy services
  - i. instructional/resource materials
  - j. assistive technologies/equipment purchases
  - k. costs associated with in-school expertise as well as the development and monitoring of Individual Education Plans (IEPs) or other professional assessments using provincially recognized methods and techniques

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### Indirect Services:

Up to 25% of the HCSEP allocation may be spent on school activities and services that will improve special education programs for students with high-cost special education needs. The following is a list of eligible expenditures for indirect services:

- 1) Costs associated with:
  - a. providing information services
  - b. contracting and providing professional support services
  - c. contracting and providing professional assessment services
  - d. professional development for professional accreditations
  - e. other professional development (e.g., workshops, conferences)
  - f. administrative support—not to exceed 10% of the amount requested before administration costs. See box below on 3<sup>rd</sup> party delivery
  - g. accommodations (e.g., lodging/room and board)
  - h. accommodating student learning needs and may include changes in the method of instruction, the curriculum, and the environment
  - i. transportation to a maximum of \$5,000 per student

### **Ineligible Expenses**

- 1) Services required for students whose **needs are mild to moderate** are expected to be addressed by ISC's Elementary and Secondary Education Program.
- 2) Enhanced programs and services for **gifted students or enriched**, subject-specific programming for students streamed into, for example, drama and the arts are not eligible for HCSEP funding.
- 3) **Capital costs** such as expenditures for constructing, operating, and maintaining facilities, or purchasing vehicles are provided through the Community Infrastructure Development (CID) program and cannot be charged to HCSEP budget allocation.
- 4) Expenditures **already covered through other programs**.

For further details, please see Program Guidelines at

<https://www.sac-isc.gc.ca/eng/1608235984808/1608236018219>

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## MODULE 4: FUNDING FORMULA

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### National Funding Guidelines for Maximum Expenditures

#### i. Tuition Rate for Specialized Schools (e.g., Provincial School for the Deaf)

- \$65,000 is the maximum allowed per year per high-cost special education needs student attending a specialized program.
- Student must be on or be eligible to be on the nominal roll.
- Band council will not be entitled to receive regular elementary or secondary program funds for the student.

#### ii. Tuition and Transportation

- \$30,000 is the maximum amount that can be paid toward tuition per year per high-cost special education needs student attending a federal, provincial, band operated, or private/independent school.
- The First Nation that records the student on its Nominal Roll will receive funding for the student through the elementary and secondary education program, and will be eligible to receive additional tuition funding under the HCSEP.
- A maximum of \$5,000 (from the \$30,000) can be used for school transportation per student per year.

#### iii. Accommodation for High Cost Special Needs Students (includes room and board)

- \$50,000 is the maximum amount allowed for accommodation per year for a high-cost special education needs student

#### iv. Emergency Transportation for High Cost Special Needs Students

- \$5,000 is the maximum amount allowed per year, per student, for emergency transportation. An example of **emergency** transportation would be when a designated student who resides away from home has to return home due to a death in the family.

For further details, please see Program Guidelines at <https://www.sac-isc.gc.ca/eng/1608235984808/1608236018219>

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ISC currently distributes HCSEP funding based on an Interim Funding Formula established in fiscal year 2019-2020 in partnership with the Ontario Technical Table Interim Funding Approach (OTTIFA). Recipients usually receive up to 75% of their annual allocation in the initial funding arrangement distributed in the beginning of a fiscal year. The remaining allocation will be issued usually by December of the same fiscal year.

For most recipients the majority of the HCSEP funds is in the core elementary/secondary funding (Q24F or Q24P), which is allocated via the IFF. This funding does not have a reporting requirement. Some HCSEP funding is distributed outside of core funding through the HCSEP funding formula that was approved by the Chiefs-in-Assembly (Targeted HCSE Funding (Q28N or Q28P). This funding will require the submission of an HCSEP Report (DCI 471981).

A small portion of the regional HCSEP funding is allocated to a Needs-Based Process where First Nations can make an application for additional funds should their allocation be insufficient to provide adequate services. Calls for these applications are usually made in June and in the fall. Needs-Based Funding is always outside of core funding so will trigger a reporting requirement of the HCSEP Report (DCI 471989).

### **Funding Model Method with Additional Funding in Budget**

Federal government determines the overall “pot”.



Overall pot is divided between regions based mainly on nominal roll.



Ontario’s portion is allocated to First Nations by a formula established by the Ontario Interim Funding Formula and through a voluntarily Needs-Based application.



Currently (2021-22), \$3-4 million is set aside for Needs-Based applications annually.



First Nations Needs-Based applications are reviewed by the OFNSEWG, funding amounts primarily determined by direct services to students.

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## **MODULE 5: HCSEP REPORTS**

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### **Important Funding and Reporting Dates**

For most recipients, the majority of HCSEP funds is in the core elementary/secondary funding (Q24F or Q24P) and it does not have a reporting requirement. Some HCSEP funding is outside of core funding (Targeted HCSE Funding (Q28N or Q28P) and will require the submission of an HCSEP Report (DCI 471981).

A small portion of the regional HCSEP funding is allocated to a Needs-Based Process where First Nations can make an application for additional funds should their allocation be insufficient to provide adequate services. Calls for these applications are usually made in June and in September/October. Needs-Based Funding is always outside of core funding and will trigger a reporting requirement of the HCSEP Report (DCI 471981).

### **Reporting Dates**

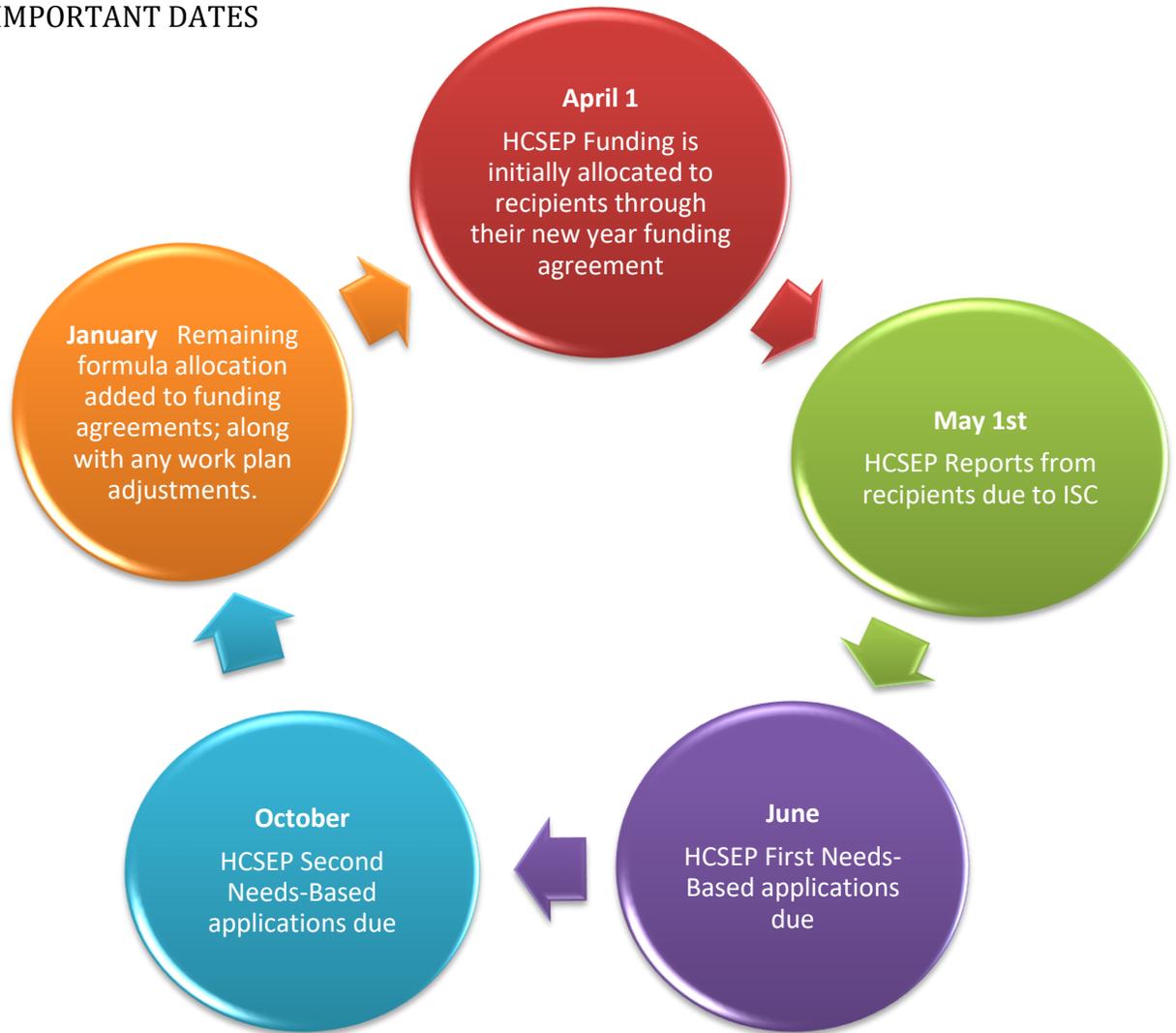
The annual HCSEP report (DCI 471989 Special Education Program Report) is due on May 1st following the fiscal year ending March 31st.

The annual Nominal Roll Student and Education Staff Census Report (DCI 462572) is due October 15th for the current fiscal year.

The annual audited financial statements are due on July 31st for the fiscal year ending March 31st.

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## IMPORTANT DATES



\*Please note that the Needs-Based application is done on a voluntary basis

### How does the Nominal Roll System Work?

The Nominal Roll is the registry of all eligible elementary and secondary students funded by ISC to attend a band-operated, federal, provincial, or private/independent school. Eligibility for inclusion on the Nominal Roll and regular school attendance are required for students to be funded by ISC.

The recipient must demonstrate the eligibility of a student to be included on the Nominal Roll before being eligible for funding. To be eligible for the Nominal Roll, a student must be:

- enrolled in and attending a council-operated, federal, provincial, or a private/independent school recognized by the province in which the school is located as an elementary/secondary institution;
- aged 4 to 21 years (or the age range eligible for elementary and secondary education support in the province of residence) on December 31 of the school year in which funding support is required; and

- 
- ordinarily resident on reserve (“more than temporary presence”; the student’s life is centered to and regularly returns to the reserve, if his or her presence is not continuous during school months).

### **HCSEP Report**

The HCSEP Report or Data Collection Instrument (DCI) No. 471989 has been designed to collect information on HCSEP needs, services, and expenditures. ISC HCSEP Reports are due May 1. However, the report is now only used to record HCSEP expenditures using HCSEP funds that are outside of core funding and/or obtained through the Needs-Based process.

The reports are reviewed on an annual basis by ISC to determine the eligibility of program-related expenditures and identify surpluses. The reports also determine the funding that is unexpended and therefore rolled over into the next fiscal year. Recipients are notified of program review results.

### **Importance of the Audit**

In January 2017, ISC announced a change to the contribution funding approach for the HCSEP from “Set” to “Fixed”. The Fixed Contribution funding approach enables recipients to retain any unexpended funding balances provided that program requirements set out in the funding agreement have been met and the recipient agrees to use the unspent funding for purposes consistent with the program objectives or any other purpose agreed to by the department in the following fiscal year. In other words, you are now able to rollover funding for one fiscal year. Recipients retaining rollover funding will still be eligible to apply for Needs-Based Process funding. The Needs-Based application requires you to identify the amount of rollover funding to ensure you are considering this. As a note for consideration, if you are unable to spend your year-over-year roll-over, ISC may recover portions of that funding to assist other communities. This would be determined on a case-by-case basis. While the HCSEP Report is the authoritative source that is utilized for the completion of ISC’s program review, the schedule from the audited financial statements will also be utilized as a secondary source of information. All expenditures identified in your HCSEP Report should coincide with those reported in your financial statements.

### **What are audits and reports used for?**

- Allows for an accurate picture of the use of funding.
- Determining an incident rate of HCSEP students which is determined by the Ontario First Nations Special Education Working Group. Past reports were only indicating a 16% incident rate, however, the working group has determined that 20% at minimum, is a more accurate rate.

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### **Tips for Reporting and Auditing**

- Ensure Community Financial Officers work closely with personnel who are filing HCSEP report and work plans to understand how to correctly code their use of HCSEP funding to ensure audits are accurate.
- For example:
  - Ensure additional costs from provincial school boards for high-cost special education are coded separately from provincial tuition expenses
  - Ensure any high-cost special education expenses are coded separately from other education expenses.
  - When a funding recipient further transfers, to a 3<sup>rd</sup> Party, funds that were received under this program, the 10% allowed for administration costs must be divided between the parties, as agreed to between the parties. The total administration costs retained by all parties cannot exceed 10% of the sub-total amount requested before administration costs.
- Please note that any errors in the SEP reports and audited financial statements may impact funding.

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## **MODULE 6: HIGH COST SPECIAL EDUCATION NEEDS-BASED PROCESS**

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### **What is the HCSEP Needs-Based process?**

The needs-based process is an application-based process initially developed by the OFNSEWG to distribute part of the additional funding announced in the 2016-17 ISC budget. This is meant to better support those delivering HCSEP, through this opportunity to identify and fund targeted special-education needs in First Nations communities. As of 2019, the majority of the HCSEP budget is allocated to the recipients with approximately \$3 to \$4 million set aside for the Needs-Based process. The OTTIFA special education task team has recommended that a minimum of \$6 million annually will be set aside for the Needs-Based process, including an annual inflation escalator.

### **Why is the Needs-Based application process helpful?**

- Provides an opportunity for communities to identify the specific priorities and needs for delivering special education support, which gives important program data;
- Allows funding levels to more appropriately reflect the needs and priorities of First Nations-led schools;
- It can be a helpful indicator to see where the gaps lie in the current base special education funding levels.

### **Why was the Needs-Based application process implemented?**

- Federal Budget 2016 committed an additional \$115.5 million nationally for the federal High Cost Special Education Program (HCSEP) on a yearly basis for 5 years, to 2021;
- It provides a mechanism for a community with unexpected high special education needs to access additional funds when their annual allocation is insufficient.

### **How can my community participate in the Needs-Based application process?**

The deadlines for Needs-Based applications are established by the Special Education Working Group but normally are in June and October each year.

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There are three ways to submit your HCSEP NEEDS-BASED APPLICATION FORM

1. Email to Holly Golabek at [holly.golabek@coo.org](mailto:holly.golabek@coo.org)
2. Fax to Holly Golabek, Education Coordinator, Chiefs of Ontario 416- 597-8365
3. Mail to:

OFNSEWG c/o Chiefs of Ontario – Education  
468 Queen St. E, Suite 400,  
Toronto  
M5A 1T7

You may contact your Special Education Support Technician or the Chiefs of Ontario’s Education Sector for more information, including the application deadlines for your current fiscal year, at [holly.golabek@coo.org](mailto:holly.golabek@coo.org).

## **Module 7: Working with the Province**

### **How does the province manage and fund Special Education in District Schools?**

The Ministry of Education provides funding and sets out, through the Education Act, regulations and policy that specify responsibilities of school boards for special education programs and services. Education funding is provided through the Grants for Student Needs (GSN) and consists of a Pupil Foundation Grant, a School Foundation Grant, and 15 supplemental grants. Individual school boards are responsible for allocating the funding according to their policies and priorities consistent with applicable legislation.

Over the past several years, the Ministry has made a concerted effort to give school boards greater flexibility in responding to the unique needs within their districts and communities. This is also true for special education.

Each board develops a special education plan outlining the programs and services offered to meet the needs of the students in their district. Board planning takes the school community into consideration, including those students who attend school under tuition agreements.

School boards receive a tuition fee from First Nations for each student based on their nominal roll, and some expenses associated with special education are included in this tuition amount. Additional fees or costs may be charged for Special

Education where the base tuition fee does not cover certain costs associated with the Special Education needs of the First Nation students. These additional costs must be agreed upon by both parties to the tuition agreement (i.e. First Nations and School Board).

### **Special Education Costs that are part of the base tuition rate**

Tuition costs charged to First Nations are based on the “Grant for Student Needs (GSN)”. The GSN is the funding grant provided to the School Boards by the Ministry of Education. There are four major funding envelopes under the GSN, and special education falls under the *Funding for specific education priorities* category. The total GSN envelope for all of Ontario in 2021-22 is \$25.6B, and a total of \$3.21 billion is projected for all special needs supports. This funding must be spent exclusively on special needs supports, and any unspent funding may be used in the future only for special education. There is some flexibility on how the funds can be spent, as long as it is special-education related. There are a total of six allocations for special education funding.

<b>Special Education Grant Allocation</b>	<b>2021-22 Amounts</b>
<b>Special Education per pupil Amount (SEPPA)</b>	\$1.61 billion
<b>Differentiated Special Education Needs Amount (formerly High Needs Amount)</b>	\$1.18billion
<b>Special Equipment Amount (SEA)</b>	\$120.6.million
<b>Special Incident Portion (SIP)</b>	\$137.8 million
<b>Education and Community Partnership Program (ECPP) Allocation</b>	\$112.1 million
<b>Behaviour Expertise Amount (BEA) Allocation</b>	\$37.2 million
	<b>TOTAL : \$3.21 billion</b>

There are many special education costs included in GSN; therefore many special education costs are part of the basic tuition charged by school boards/districts. These include all of the basic services and resources provided for all students, as well as the following special education-specific services and resources:

- Professional and paraprofessional services
- Educational assistants

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- Student assessments
  - Instructional materials
  - Classroom consultants
  - Some Special Education Equipment such as: computer equipment, software, supportive furniture, training, and technician costs for all SEA equipment, including equipment purchased through claims-based funding,

### **Special Education Costs that are NOT part of the tuition**

Special education costs not covered under GSN are those costs that would need to be applied for by a school board to the Ministry of Education for non-tuition paying pupils of the board. In the case of First Nations students eligible under ISC education programs, these costs would typically be negotiated between the school board/district and the First Nation or other authorized First Nation education authority and should be comparable in criteria and funding levels like the following:

- **Special Equipment Amount Claims-based:** Non-computer-based equipment for students with special education needs including sensory support, hearing support, vision support, personal care support, and physical assists equipment. Boards pay the first \$800 for any claims-based equipment.
- **Special Incidence Proportion:** Supports students who require more than two full-time staff to address the health and safety needs of both the students who have exceptionalities and other students.

For further details, see the Frequently Question Table below.

For further details on the Ministry process or funding guidelines for special education, see the Special Education section of the Grants for Student Needs technical paper at

<http://www.edu.gov.on.ca/eng/funding/2122/2021-22-technical-paper.pdf>

## **Educational Service Agreements**

### **Educational Service Agreement (ESA)**

ESA's outlines more than the payment of fees. In addition to base fees, there are often clauses or sections that offer a detailed description of specific programs, services, or equipment to which the two parties have agreed. Additional Special Education services are often something that is included in ESA's.

### **Reverse Tuition Service Agreements (RESA)**

A reverse tuition service agreement is a formal agreement and/or negotiated between two parties when a First Nation provides education for pupils that are otherwise qualified to be pupils of the provincial board (i.e. reside off-reserve in a

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board's district). This is in exchange for the First Nation receiving payment from the school board.

### **Reciprocal Education Approach (REA)**

The intent of REA is to improve access and reduce barriers for First Nation students and prevent provincial school boards from withholding tuition fees and/or overcharging First Nations. REA supports access to education for eligible students (see Section 5.1) residing on-reserve who wish to attend a school of a school board and eligible students residing off-reserve who wish to attend a First Nation-operated or federally-operated school (First Nation school). On September 1, 2019, amendments to the Education Act and the Reciprocal Education Approach came into force. (At sections 185 and 188), and regulations O. Reg. 261/19.

Under REA the funding, known as the reciprocal base fee, the base fee that a school board is required to pay a First Nation entity that operates the First Nation school a student is attending under REA is the same amount that the same school board is required to charge the First Nation entity for a First Nation student attending a school of a school board. The reciprocal base fee includes some special education funding as per the GSN but some special education services need to be negotiated above the base fee. Two examples of such services are the Special Incident Portion and the Special Equipment Amount.

#### **Special Incident Portion:**

- If there is an agreement for the school board to pay for special education staffing to support the health and safety of a student, the amount shall not exceed the amount that the board is entitled to receive under SIP from the Ministry of Education under the GSN grant regulation. For 2021-22, the amount is \$28,518.

For more information on SIP go to:

<http://www.edu.gov.on.ca/eng/funding/2122/2021-22-sip-guidelines-en.pdf>

#### **Special Equipment Amount:**

- If there is an agreement for the school board to pay for the purchase of special education equipment, the deductible per claim, will be an amount of \$800, or less, similar to SEA claims that would be eligible for submission to the Ministry of Education under the GSN grant regulation.

For more information on SEA go to:

<http://www.edu.gov.on.ca/eng/funding/2122/2021-22-sea-guidelines-en.pdf>

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Note: *Existing ESAs/RESAs negotiated on or before Sept 1 2019 remain in effect until the agreement expires is terminated, renewed, or renegotiated.*

## **Tuition Agreements/Education Service Agreements**

### **What is a tuition agreement?**

- It is the result of a negotiation for the provision of Education Services between a provincial board and a First Nation community or authorized education authority. The agreement defines the services to be provided.
- It is an ISC Funding Agreement requirement that all First Nations have a tuition agreement with a provincial school district or Board for First Nations students if students from their community are attending a provincial school board school.
- There is no one standard agreement, although there are resources available to support communities to develop tuition agreements.

### **Considerations for Special Education**

- While most special education services are provided through the base tuition rate, others are not.
- Special education services that are not covered through the base tuition rate are negotiated through tuitions agreements. Specific terms are often included as “Addendums” to the tuition agreement.

### **Demonstration Schools**

- Provincial demonstration schools (school for the blind, deaf and hard of hearing, etc.) receive funding directly from ISC for any eligible First Nations students in attendance. No tuition agreement is required.

### **District Schools (Provincial School Boards)**

- District schools are provincial schools that serve pupils living within a designated provincial district or jurisdiction.
- A base tuition fee is charged by the board to the First Nation community or First Nations education authority for all First Nations students attending a provincial school. The base fee varies from board to board but should include all items identified in the calculation of fees.
- Other needs not covered by the base tuition fees must be negotiated on a per-student basis between the First Nation and the board.

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### **Tips for Including High Cost Special Education in Tuition Agreements**

1. Have an open dialogue with the provincial school board or local school about the First Nations special education needs requirements.
2. Acknowledge special education in the tuition agreement
  - Clearly identify what additional costs will be paid by the First Nations beyond the base tuition rate.
  - Set a fee schedule (i.e. specify when will payments be made).
  - Specify when special education reports are due and the level of information that is required.
  - Specify the process that the board must follow to request funds above the base tuition fee (i.e., what evidence is required, how should this evidence be submitted).

For further information on tuition agreements see the complete **Education Services (Tuition) Agreement Guide**:

<http://education.chiefs-of-ontario.org/download/education-services-tuition-agreement-2013/?wpdmdl=1578&refresh=61e5b36843c021642443624>

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## **SPECIAL EDUCATION PLANS**

### **What is a Special Education Plan?**

Regulation 306 of the Provincial Education Act requires each school board to maintain a special education plan for the delivery of special education programs and services. Standards for Special Education Plans are given in the 2000 Ministry of Education document “Standards for Special Education Plans”.

### **Relevance to First Nations**

A provincial School Board’s Special Education Plan is for ALL students of the board. There should not be a plan for ‘resident pupils’ and a separate plan for students who fall under a tuition agreement. These plans are made public and are usually posted on the board’s website.

### **Provincial School Board Special Education Plans outline:**

- the process for identification and the list for each category of exceptionality the range of placement options available;
- criteria for admission, the admission process;
- criteria for determining the level of support provided in each placement;
- criteria for assigning intensive support for students who are in need of a great deal of assistance;
- state the maximum class size for each type of special education class; criteria used for determining the need to change a student’s placement, and; alternatives provided when the needs of a student cannot be met within the board’s range of placements and the ways in which the options are communicated to parents.

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## FREQUENTLY ASKED QUESTIONS

- 1. Can a school board request funding for a tablet or a laptop for a high-cost special education student?**

*Not likely, the cost of special equipment such as a tablet or laptop should be covered under the base tuition amount that you pay to the school board.*

- 2. If a piece of computer equipment is purchased for one of our students, is the equipment owned by us or the school board?**

*Generally, special education equipment is maintained by the First Nation school or school board unless specific arrangements are made within the Tuition Agreement or outlined in a Memorandum of Understanding. If the equipment is obtained from Jordan's Principle application it may belong to the child/family.*

- 3. If our community approves a school board's request for special equipment for one of our students, do we also need to pay for staff training and or maintenance of the equipment?**

*Not necessarily. These types of arrangements can be clarified and outlined in the Education Service Agreement negotiations.*

- 4. What happens if we do not agree with a school board's request for additional costs?**

*The claim could be brought to arbitration if an agreement isn't reached.*

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## MODULE 8: IDENTIFICATION PLACEMENT REVIEW COMMITTEE (IPRC) AND INDIVIDUAL EDUCATION PLANS (IEP)

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### The Identification, Placement, and Review Committee (IPRC)

#### Identifying the Needs of Exceptional Pupils

Exceptional pupils are identified as such by an Identification, Placement, and Review Committee (IPRC, Regulation 181/98). Upon receiving a written request from a student's parent(s)/guardian(s), the principal of the school must refer the student to an IPRC. The IPRC will decide whether the student is an exceptional pupil and, if so, what type of educational placement is appropriate.

For students whose needs cannot be met entirely in the regular classroom, a range of placement options is available. These options include:

- ***A regular class with indirect support*** where the student is placed in a regular class for the entire day, and the teacher receives specialized consultative services.
- ***A regular class with resource assistance*** where the student is placed in a regular class for most or all of the day and receives specialized instruction, individually or in a small group, within the regular classroom from a qualified special education teacher.
- ***A regular class with withdrawal assistance*** where the student is placed in a regular class and receives instruction outside the classroom, for less than 50 percent of the school day, from a qualified special education teacher.
- ***A special education class with partial integration*** where the student is placed by the IPRC in a special education class in which the student-teacher ratio conforms to [Regulation 298, section 31](#), for at least 50 percent of the school day, but is integrated with a regular class for at least one instructional period daily.
- ***A full-time special education class*** where the student-teacher ratio conforms to [Regulation 298, section 31](#), for the entire school day.

The IPRC may also consider referring the student to a provincial committee for consideration of eligibility for admission to one of the Provincial Schools for blind, deaf or deaf-blind students, or to one of the Provincial Demonstration Schools for students with severe learning disabilities.

Source: <http://www.edu.gov.on.ca/eng/general/elemsec/speced/identifi.html>

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## Categories of Exceptionality

The following are the five categories of exceptionality used in Identification Placement and Review Committees.

1. **Behaviour**-*behavior disability*
2. **Communication**- *autism, deaf and hard-of-hearing, language impairment, speech impairment, learning disability*
3. **Intellectual**- *mild intellectual disability, developmental disability, giftedness (not eligible for HCSEP funding)*
4. **Physical**- *physical disability, blind and low vision*
5. **Multiple**- *multiple exceptionalities (2 or more prominent)*

### Does a child have to have an IPRC?

A child does not need to be formally identified as an exceptional pupil in order for him or her to receive a special education program or special education services. If a parent and school principal agree that the child has special education needs and on the nature of special education program or services that are best for the child, there may be no need to take the step of having the child formally identified by an IPRC.

### What if I want an IPRC to meet about my child, but the school doesn't think it is necessary?

If either the parent or the school principal believe that the child requires a special education program or special education services, and if agreement cannot be reached, then the parent or school principal may request in writing that an IPRC decide the matter. When such a request is made, the IPRC must meet, consider the needs of the child, and decide whether the child is an exceptional pupil and, if so, what the appropriate placement for him or her is. If either the parent or principal requests an IPRC, the IPRC must meet: the rules in Regulation 181/98 do not permit the other party to prevent this meeting from occurring.

### Do I have the right to appeal an IPRC decision?

A parent who is unhappy with the decision of an IPRC can ask to meet again with the IPRC to consider the matter further. If the parent feels that the second meeting was unsuccessful, or if the parent does not believe a second meeting with the IPRC would be helpful, the parent can ask that the decision of the IPRC be reviewed, by writing to the director of education of the school board requesting a meeting with

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Special Education Appeal Board (SEAB). If parents are not satisfied with the decision of the appeal at the school board level, they may apply and have their case heard by a provincial Special Education Tribunal. The appeal process has specific rules and time limits. These are described in the document titled Highlights of Regulation 181/98. The following information is taken from the Ministry of Education's Individual Education Plan Resource Guide. Individual Education Plans are unique and complex tools that should only be filled out by trained professionals and ideally a team of trained professionals such as classroom teachers.

For further details please see

<http://www.edu.gov.on.ca/eng/general/elemsec/speced/guide/resource/iepresguid.pdf>

### **What is an Individual Education Plan?**

- Written plan describing the special education program and/or services required by a particular student, based on a thorough assessment of the student's strengths and needs that affect the student's ability to learn and to demonstrate learning.
- Record of the particular accommodations needed to help the student achieve his or her learning expectations, given the student's identified learning strengths and needs.
- A working document that identifies learning expectations that are modified from the expectations for the age-appropriate grade level in a particular subject or course, as outlined in the Ministry of Education's curriculum policy documents.
- Record of the specific knowledge and skills to be assessed and evaluated for the purpose of reporting student achievement of modified and/or alternative expectations.
- An accountability tool for the student, the student's parents, and everyone who has responsibilities under the plan for helping the student meet the stated goals and learning expectations as the student progresses through the Ontario curriculum.

#### **When should an IEP be developed?**

IEP's are developed for school program planning and delivery.

#### **How often should the IEP be reviewed?**

IEP's should be reviewed every six months, to ensure it accurately reflects the student's current needs and status.

### **Why would an IEP be developed?**

- The Ministry of Education requires an IEP for every student identified as exceptional by an Identification, Placement and Review Committee (IPRC).
- An IEP may be developed for a student who has not been formally identified as exceptional, but who requires special education program/services.

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ISC requires that an IEP be developed for every student reported on an ISC HCSEP report.

### **What Type of information should be included in an IEP?**

- The strengths and needs that relate to the student's learning. If the student has been formally identified as exceptional, the IEP should include the strengths and needs identified in the statement of decision received from the IPRC.
- Relevant assessment data that support the identification of an exceptionality, or the reasons that give rise to the need for special education programs and services.
- Any specialized health support services needed to enable the student to attend school.
- A list of all subjects/courses in which the student requires modified expectations and/or accommodations, and all alternative programs.
- A list of the accommodations the student requires to help him or her learn and demonstrate learning.
- The student's current level of achievement in each modified subject or course and/or alternative program area.
- Annual program goals and learning expectations for each reporting period in each subject or course in which modified expectations are required and/or in each alternative program area.
- The assessment methods that will be used to assess the student's achievement of the modified or alternative expectations.
- A clear indication of the way in which student progress will be reported to parents (i.e., on the Provincial Report Card and/or in an alternative report) and the dates on which reports will be issued.
- Documentation of consultations with parents and the student (if the student is 16 or older) during the development of the IEP and any subsequent reviews, and a record of the review and updating of learning expectations by school staff.
- A transition plan (if required, according to Regulation 181/98)

For the Ministry's Resource guide on IEPs, please see:

<http://www.edu.gov.on.ca/eng/general/elemsec/speced/guide/resource/index.html>

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# MODULE 9: BUILDING A SPECIAL EDUCATION POLICY: A GUIDE

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These are suggested steps to building a Community Special Education Policy. Policies can be quite extensive and vary depending on the specifics of your community, you are welcome to refer to these elements for your consideration.

## **STEP 1: BEGIN WITH YOUR POLICY STATEMENT**

You might want to develop a policy statement that could answer the following questions:

- What is the overall vision that this policy fits into?
- What is the ultimate goal that this policy is trying to achieve?

## **STEP 2: PROVIDING A RATIONALE**

A rationale can help to give context for your specific policy. Some questions to consider answering for your rationale can include, but are not limited to:

- Are there regulations under The Education Act that trigger this policy?
- Are there motions within the community that support this policy?

## **STEP 3: GATHERING RELEVANT INFORMATION TO BE CONSIDERED**

Is there any information that identifies a need for this policy?  
For example:

- What needs have been prevalent in the community?
- Have there been special education needs that have gone unmet?
- What demand exists that would create the need for this policy?

## **STEP 4: DEFINITIONS**

Be sure to have any terms or acronyms clearly defined so your policy is user friendly.

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## **STEP 5: MAP OUT POLICY SECTIONS**

Some of the sections may include, but are not limited to the following:

### **Section 1: Roles and Responsibilities:**

Who is involved? What is the structure or key people that are featured and involved in this policy? What are the expectations of each structure or key person?

The following list are recommendations:

- Ministry of Education
- ISC
- Guardians and/or Parents
- Students
- School Boards
- Schools
- First Nation Community
- Neighbouring municipality
- Service Organizations
- Neighbouring First Nation
- Affiliated Organizations

### **Section 2: Procedures for assessment and Referral**

What are some of the steps that are critical for assessments and having students appropriately referred? What are the roles of teachers in this early identification process? What are the appropriate protocols in this process?

### **Section 3: Identification, Placement and Review Committee Process and Appeals (IPRC)**

Please see Module 8 for further information.

### **Section 4: Developing an IEP:**

- Identification and Assessment
- Planning
- Guardian/Parent Participation
- Timeline of IEP
- Evaluation of IEP
- Reporting Student Progress

### **Section 5: Examples of Exceptionalities:**

- Behaviour
- Communication (example: Language impairment, speech impairment)
- Autism
- Deaf and Hard of Hearing
- Blind and Low Vision
- Learning Disability

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- Physical Disability
  - Chronic Illness
  - Medical Issues
  - Mental Health needs
  - Other

### **Section 6: Special Education Staff**

- Detailed List or Framework of Special Education Staff
- Communication with Guardians and/or Parents
- Professional Development
- Support Systems for Staff
- Staff Mental Health and Wellness

### **Section 7: Special Education Committee**

- Roles and Responsibilities
- Meeting requirements and protocols

### **Section 8: Coordination of Services with other Agencies and Programs**

Identifying other resources and services in the community

### **Section 9: Equipment**

- Funding
- Guidelines for special education equipment

### **Section 10: Transportation**

- What are the procedures if a student is unable to use ordinary transport services?
- How would you want to ensure school is accessible for diverse transportation needs?
- Is there a role for a bus monitor, driver, etc?

### **STEP 6: SOMETIMES THERE ARE SPECIAL CONSIDERATIONS, EXCEPTIONS, OR GENERAL NOTES THAT CAN BE INCLUDED IN YOUR POLICY. FOR EXAMPLE:**

- What needs to be considered for students who may not fall entirely in this category/under this policy?
- Are there time considerations? Examples include 30 days for an application to be considered, or 15 days to reverse a decision, or 15 days to process a request.
- Where challenges should be referred to if this policy does not fully resolve any outstanding issues?
- Are there exceptions that can be made to this policy? Are there instances where this policy may not apply?
- What are the circumstances where this policy may have exceptions? Is there a process to request an exception?

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## **STEP 7: EARLY IDENTIFICATION, ASSESSMENT, AND TRANSITION PLANNING**

Early identification of children with special needs is often done by agencies of ministries other than the Ministry of Education. A number of initiatives from the Ministry of Children and Youth Services exist and local Health Authorities may also offer various services. For example, Healthy Baby Healthy Children's program or Preschool Speech and Language Programs are some of the programs that may be part of the early identification process.

**Planning Entry to School.** The policy can outline specific procedures for young children entering the school system for the first time.

**Early Identification at School.** Under this heading schools can identify their early identification procedures, services, and policies.

**Transition from Elementary to Secondary School.** It would be advisable to describe the support systems and procedures that are in place for a student that is transitioning from elementary to secondary school. Transition plans can also span the transition from other divisions depending on the community's educational structure.

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## FREQUENTLY ASKED QUESTIONS

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- 1. How is low-cost (mild to moderate needs) special education funding provided to First Nations?**
  - Costs associated with low-cost special needs are expected to be covered by funding provided through ISC Elementary and Secondary Education Programs.
  
- 2. Can HCSEP be used to fund exceptional (gifted) students? We have someone in our community who is extremely intelligent; can we use HCSEP funds to support this student for an arts-based program?**
  - No, unfortunately enhanced programming for gifted students is not covered through the HCSEP.
  
- 3. Why use this Toolkit? (Module 1.1)**
  - This Toolkit can serve as: a) a reference guide to serve to meet your knowledge needs about HCSEP; b) a resource to answer questions you may have about HCSEP, and c) an up-to-date documentation of: Federal requirements for reporting, and Ontario Ministry funding.
  
- 4. Who is this Toolkit intended for? (Module 1.2)**
  - This toolkit is intended for: a) First Nations education directors, b) First Nations financial departments, c) Federally-funded and provincially – funded schools, Principals and Special education teachers, d) Band Councils, e) Tribal Councils and f) First Nations Education Services Organizations
  
- 5. What was the Ontario High Cost Special Education Funding Review? (Module 1.4)**
  - In 2010 the OFNSEWG underwent a review of the financial spending within the HCSEP. This review demonstrated the need for nominal roll funding formula – which would allocate funding based on the number of enrolled students in HCSEP.
  
- 6. What is the difference between low-cost and high-cost funding? (Module 2.1)**
  - Low-cost special education services are not covered through HCSEP. These are cases where the level of need is considered to be mild or moderate for example, students with mild or moderate modifications to their classroom program.
  - The HCSEP program covers high-cost special education needs only. That is services for students whose needs cannot be met through regular

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Elementary and Post-Secondary program funding.

**7. How does the Nominal Roll System Work? (Module 5.2)**

- The Nominal Roll System (NRS) is a specific report used for co-ordination of programs relevant to the education of First Nations and Inuit students.

**8. What are audits and reports used for? (Module 5.3)**

- Allows for an accurate picture of surplus and deficit. Ensures that the funds are used for the intended purpose. Determining an incident rate, particularly of high needs students. Also to ensure accountability and transparency relating to the administration of federal government transfer payments.

**9. How does the province manage and fund Special Education in District Schools? (Module 6.1)**

- The Ministry of Education provides funding and sets out, through the Education Act, regulations and policy that specify responsibilities of school boards for special education program and services. Individual school boards are responsible for allocating the funding according to their policies and priorities consistent with applicable legislation.

**10. Can a school board request funding for a tablet or a laptop for a high-cost special education student? (Module 6.3)**

- Not likely, the cost of special equipment such as a tablet or laptop should be covered under the base tuition amount that you pay to the school board.

**11. If a piece of computer equipment is purchased for one of our students, is the equipment owned by us or the school board? (Module 6.3)**

- Generally special education equipment is maintained by the school board unless specific arrangements are made within the Tuition Agreement.

**12. If our community approves a school board's request for special equipment for one of our students, do we also need to pay for staff training and or maintenance of the equipment? (Module 6.3)**

- Not necessarily. These types of arrangements can be clarified and outlined in the Tuition Agreement negotiations.

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**13. What happens if we do not agree with a schools board's request for additional costs? (Module 6.3)**

- The claim could be brought to arbitration if an agreement isn't reached.

**14. What is the Needs-Based Process?**

- This is an application-based funding request process developed by the Ontario First Nation Special Education Working Group (OFNSEWG).

**15. How often should Tuition Agreements be reviewed/revised?**

- Tuition agreements should be reviewed and revised on a yearly basis. Ensure that they include a section on special education.

**16. Are special education services included in the Reciprocal Education Approach?**

- Under REA the base fee that a school board is required to pay a First Nation that operates a First Nation school is the same base fee, set out in regulation, that a board can charge a First Nation if a First Nation student attends a school of a school board. This base fee includes special education funding as set out in the GSN. However, certain services and costs related to special education services may be negotiated between a First Nation and school board. SIP and SEA are examples of services that would be negotiate above the REA base fee.

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## OTHER RESOURCES

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### Website links

- **Chiefs of Ontario: Education Sector**  
<http://education.chiefs-of-ontario.org/>
- **Indigenous Services Canada (ISC)**  
<https://www.canada.ca/en/indigenous-services-canada.html>
- **Indigenous Services Canada (ISC): High Cost Special Education Program - National Program Guidelines 2020-2021**  
<https://www.sac-isc.gc.ca/eng/1618244821102/1618244904046>
- **Indigenous Services Canada (ISC): Nominal Roll system**  
<https://www.sac-isc.gc.ca/eng/1450708959037/1531319458607>
- **Education Services (Tuition) Agreement Guide**  
<http://education.chiefs-of-ontario.org/download/education-services-tuition-agreement-2013/?wpdmdl=1578&refresh=61e5b36843c021642443624>
- **Individual Education Plans**  
<http://www.edu.gov.on.ca/eng/general/elemsec/speced/individu.html>
- **Education Funding Technical Paper, 2021-22**  
<http://www.edu.gov.on.ca/eng/funding/2122/2021-22-technical-paper.pdf>
- **Ministry of Education Special Education Web page:**  
<http://www.edu.gov.on.ca/eng/general/elemsec/speced/speced.html>
- **Ontario First Nations Special Education Review Report 2017**  
<http://mncfn.ca/wp-content/uploads/2017/05/EMBARGOED-Ontario-First-Nations-Special-Education-Review-Report-May-2017.pdf>
- **The Individual Education Plan (IEP), A Resource Guide**  
<http://www.edu.gov.on.ca/eng/general/elemsec/speced/guide/resource/>